

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## EXPEDITED WEAPONS – FIREARMS IN OR NEAR PLACES OF PUBLIC BILL 21-22: ASSEMBLY

### SUMMARY

The Office of Legislative Oversight (OLO) finds the racial equity and social justice (RESJ) impact of Expedited Bill 21-22 is indeterminant due to insufficient information on the demographics of the Bill's beneficiaries, as well as on the potential effects on gun violence and police interactions in the County.

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### PURPOSE OF RESJ IMPACT STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF EXPEDITED BILL 21-22

Gun violence is a significant public health problem in the United States. In 2020, there were 45,222 gun-related deaths, 54 percent of which were suicides and 43 percent of which were homicides.<sup>3</sup> Gun homicides have recently been highlighted as a rapidly growing concern, potentially a result of distress during the pandemic.<sup>4</sup> In 2020, 79 percent of homicides involved a firearm, the highest percentage recorded in over 50 years.<sup>5</sup> Further, the firearm homicide rate jumped 35 percent in 2020, an increase deemed as historic by the Centers for Disease Control and Prevention (CDC).<sup>6</sup> The U.S. also stands out internationally when it comes to gun homicides. Among high-income countries with populations of 10 million or more, the U.S. ranks first in gun homicides, having a rate more than double the next country on the list, Chile, and 22 times greater than in the European Union as a whole.<sup>7</sup>

Following the Supreme Court decision on *New York State Rifle & Pistol Assn. v. Bruen*, Superintendent of New York State Police, Governor Larry Hogan ordered Maryland State Police to suspend the 'good and substantial reason' standard in reviewing applications for wear-and-carry permits.<sup>8</sup> Recent reports have noted a sharp increase in new permit applications in Maryland following the governor's orders.<sup>9</sup>

The goal of Expedited Bill 21-22 is to "prevent an individual from possessing a firearm within 100 yards of a place of public assembly even when the individual has a wear-and-carry permit from the State of Maryland."<sup>10</sup> The Bill achieves this goal through removing an exemption in County law that currently allows individuals with certain handgun permits to possess handguns within 100 yards of a place of public assembly.

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State law currently prohibits permit carriers from possessing firearms at specific locations, including school property, state buildings, and state parks, among other locations. Bill 21-22 broadens the restricted areas established by the state to include places of public assembly as defined by County law, which includes parks, places of worship, schools, libraries, recreational facilities, hospitals, community health centers, long-term facilities, or multipurpose exhibition facilities, such as fairgrounds or conference centers. A place of public assembly can be publicly or privately owned, and includes all property associated with the place, such as a parking lot or grounds of a building.<sup>11</sup>

Expedited Bill 21-22 was introduced to the Council on July 12, 2022.

In February 2021, OLO published a RESJ impact statement (RESJIS) for Bill 4-21, Weapons – Protection of Minors and Public Places – Restrictions Against Ghost Guns and Undetectable Guns.<sup>12</sup> OLO builds on Bill 4-21's analysis for this RESJIS.

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### GUN VIOLENCE AND RACIAL EQUITY

Black, Indigenous, and Other People of Color (BIPOC), have long experienced significant disparities in gun violence. Regarding the recent sharp increase in gun homicides, researchers at the CDC stated:

“The firearm homicide rate in 2020 was the highest recorded since 1994 (1). However, the increase in firearm homicides was not equally distributed. Young persons, males, and Black persons consistently have the highest firearm homicide rates, and these groups experienced the largest increases in 2020. These increases represent the widening of long-standing disparities in firearm homicide rates. For example, the firearm homicide rate among Black males aged 10–24 years was 20.6 times as high as the rate among White males of the same age in 2019, and this ratio increased to 21.6 in 2020.”<sup>13</sup>

While some attribute violence in BIPOC communities to individual behaviors and choices, these explanations often ignore the central role government has played in driving segregation and concentrated poverty, common conditions in communities stricken with violence. The following section provides an overview of studies that explore the relationship between violence, segregation, and concentrated poverty, with the intent of demonstrating that racial and ethnic disparities in gun violence are neither natural nor random. Please see the RESJIS for Expedited Bill 30-21, Landlord-Tenant Relations – Restrictions During Emergencies – Extended Limitations Against Rent Increases and Late Fees, for detailed background on the government's role in fostering segregation and the racial wealth divide.<sup>14</sup>

**Drivers of Gun Violence.** Multiple studies have pointed to residential segregation and concentrated poverty as strong predictors of violence, and more specifically gun violence, in communities, for instance:

- A study of 103 metropolitan areas over five decades found that “(1) racial segregation substantially increases the risk of homicide victimization for blacks while (2) simultaneously decreasing the risk of white homicide victimization. The result...is that (3) segregation plays a central role in driving black-white differences in homicide mortality.”<sup>15</sup>
- A study of over 65,000 firearm-related deaths among U.S. youth ages 5 to 24 between 2007 and 2016 found that “higher concentration of county-level poverty was associated with increased rates of total firearm-related deaths.” Moreover, “two-thirds of firearm-related homicides could be associated with living in a county with a high concentration of poverty.”<sup>16</sup>

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- A study of U.S. gun violence data between 2014 and 2017 found that “gun violence is higher in counties with both high median incomes and higher levels of poverty.” The researchers went on to state that the “findings may well be due to racial segregation and concentrated disadvantage, due to institutional racism, police-community relations, and related factors.”<sup>17</sup>
- A study of shootings in Syracuse, New York between 2009 and 2015 found that “higher rates of segregation, poverty and the summer months were all associated with increased risk of gun violence.”<sup>18</sup>
- A study of gunshot victims (GSVs) in Louisville, KY between 2012 and 2018 found that “[r]elative to green-graded neighborhoods, red-graded [redlined] neighborhoods had five times as many GSVs. This difference remained statistically significant after accounting for differences in demographic, racial, and housing characteristics of neighborhoods.”<sup>19</sup>
- A study of 13 U.S. cities between 2018 and 2020 found that in 2020, “violence was higher in less-privileged neighborhoods than in the most privileged,” where less-privileged neighborhoods demonstrated a higher degree of racial, economic, and racialized economic segregation.<sup>20</sup>

**Consequences of Gun Violence.** Gun violence has harmful effects that reverberate deeply in families and communities. As Dr. Thomas R. Simon, CDC Associate Director for Science, Division of Violence Prevention, stated to Vox “[p]art of the reason why violence is a public health problem is because of the significant and lasting health consequences for victims.” The 2022 Vox article provides an overview of research on the toll of gun violence, including the following findings:<sup>21</sup>

- Survivors of gun violence are at an increased risk of chronic pain, psychiatric disorders, and substance abuse and are more likely to experience mental health challenges.
- More than 15,000 American children lose a parent to gun violence each year. Children who lose a parent (for any reason, including gun violence) are more likely to have lower educational attainment, which could lead to poorer health given the strong link between education and health outcomes.
- Even if a person has not directly lost a loved one to a gun incident, being exposed to gun violence in a community leads to mental health issues, including problems with social function, anxiety, and depression.
- A 2018 study of six American cities found that individual shootings cost between \$583,000 and \$2.5 million, depending on the city and whether the firearm injury was fatal or nonfatal.

**Data on Gun Violence.** National data in Table 1 demonstrates racial and ethnic disparities in gun homicides, whereby Black Americans had a firearm homicide rate eleven times that of White Americans in 2020. Latinx and Native Americans respectively had firearm homicide rates two and three times greater than Whites, while Asian/Pacific Islanders had a lower firearm homicide rate than Whites.

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**Table 1: 2020 Firearm Homicide Incidence by Race and Ethnicity, United States**

Race and Ethnicity <sup>22</sup>	Number of Firearm Homicides	Rate of Firearm Homicides per 100,000 persons
Asian or Pacific Islander	227	1.0
American Indian or Alaska Native	221	8.1
Black	11,904	26.6
Latinx	2,946	4.5
White	4,052	2.2

Note: Rates are age-adjusted

Source: Changes in Firearm Homicide and Suicide Rates Report, CDC

Local data also confirms racial and ethnic disparities in gun violence. A review of 2016-2018 data by Healthy Montgomery, the County's community health improvement initiative, found that Black residents had an age-adjusted firearm hospitalization rate of 8.6 per 100,000 persons, compared to 2.4 for Latinx residents, 1.2 for White residents, and 0.3 for Asian residents.<sup>23</sup>

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### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Expedited Bill 21-22 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

**For the first question,** the primary beneficiaries of the Bill are presumably residents who frequent places of public assembly, as they could experience increased safety from more gun restrictions in these areas. However, there is no definitive data on the demographics of people who frequent places of public assembly in the County. As such, OLO cannot conclude whether there are racial or ethnic disparities among the primary beneficiaries of this Bill.

**For the second question,** OLO considers the effect this Bill could have on reducing gun violence in the County given its disproportionate impact on BIPOC residents. While there is strong evidence to suggest that restricting gun access can reduce gun violence,<sup>24</sup> there is little research on the effect of place-based restrictions such as those proposed in this Bill. Further, it is unclear how the enforcement of this law would potentially change police contact with residents, and whether that could worsen existing disparities in police interactions with BIPOC residents.<sup>25</sup>

Taken together, OLO finds that the RESJ impact of this Bill is indeterminant.

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### RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>26</sup> OLO finds that the RESJ impact of Expedited Bill 21-22 is indeterminant due to insufficient information on the demographics of the Bill's beneficiaries, as well as on the potential effects on gun violence and police interactions in the County. OLO does not offer recommended amendments since the Bill was not found to be inequitable.

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In their recently released study on increased gun violence, researchers at the CDC note, “[t]he findings of this study underscore the importance of comprehensive strategies that can stop violence now and in the future by addressing factors that contribute to homicide and suicide, including the underlying economic, physical, and social inequities that drive racial and ethnic disparities in multiple health outcomes.”<sup>27</sup> Should the Council seek to improve the RESJ impact of this Bill through incorporating recommended amendments or introducing companion legislation, the policy solutions highlighted by the CDC researchers in the study can be considered.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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### CONTRIBUTIONS

OLO staffer Janmarie Peña drafted this RESJ impact statement.

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<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.raciaequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> John Gramlich, “What the Data Says about Gun Deaths in the U.S.,” Pew Research Center, February 3, 2022. <https://www.pewresearch.org/fact-tank/2022/02/03/what-the-data-says-about-gun-deaths-in-the-u-s/>

<sup>4</sup> Becky Sullivan and Nell Greenfieldboyce “Firearm-Related Homicide Rate Skyrockets Amid Stresses of the Pandemic, the CDC Says,” Research News, NPR, May 10, 2022. <https://www.npr.org/2022/05/10/1097916487/firearm-homicide-rates-soar-pandemic-cdc-says>

<sup>5</sup> John Gramlich

<sup>6</sup> “Firearm Deaths Grow, Disparities Widen,” CDC Newsroom, CDC, May 10, 2022. <https://www.cdc.gov/media/releases/2022/s0510-vs-firearm-deathrates.html>

<sup>7</sup> “On Gun Violence, the United States is an Outlier,” Institute for Health Metrics and Evaluation,” May 31, 2022. <https://www.healthdata.org/acting-data/gun-violence-united-states-outlier>

<sup>8</sup> “Governor Hogan Directs Maryland State Police to Suspend ‘Good and Substantial Reason’ Standard For Wear and Carry Permits,” The Office of Governor Larry Hogan, July 5, 2022. <https://governor.maryland.gov/2022/07/05/governor-hogan-directs-maryland-state-police-to-suspend-good-and-substantial-reason-standard-for-wear-and-carry-permits/>

<sup>9</sup> Frederick Kunkle, “Supreme Court Ruling Sets Off Rush for Concealed Gun Permits in Maryland,” Washington Post, July 18, 2022. <https://www.washingtonpost.com/dc-md-va/2022/07/15/concealed-carry-maryland-guns-hogan/>

<sup>10</sup> “Expedited Bill 21-22, Weapons – Firearms In or Near Places of Public Assembly,” Montgomery County, Maryland, July 12, 2022. [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220712/20220712\\_10A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220712/20220712_10A.pdf)

<sup>11</sup> Ibid

<sup>12</sup> Racial Equity and Social Justice Impact Statement for Bill 4-21, Office of Legislative Oversight, Montgomery County, Maryland, February 8, 2021. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/RESJIS-Bill4-21.pdf>

<sup>13</sup> Scott R. Kessler, Thomas R. Simon, et. al., “Vital Signs: Changes in Firearm Homicide and Suicide Rates – United States, 2019-2020,” Morbidity and Mortality Weekly Report (MMWR), CDC, May 13, 2022. [https://www.cdc.gov/mmwr/volumes/71/wr/mm7119e1.htm?s\\_cid=mm7119e1\\_w](https://www.cdc.gov/mmwr/volumes/71/wr/mm7119e1.htm?s_cid=mm7119e1_w)

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- <sup>14</sup> Racial Equity and Social Justice Impact Statement for Expedited Bill 30-21, Office of Legislative Oversight, Montgomery County, Maryland, September 9, 2021. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill30-21RESJ.pdf>
- <sup>15</sup> Michael T. Light and Julia T. Thomas, "Segregation and Violence Reconsidered: Do Whites Benefit from Residential Segregation," American Sociological Review, July 9, 2019. <https://journals.sagepub.com/doi/abs/10.1177/0003122419858731>
- <sup>16</sup> Jefferson T. Bennet, Lois K. Lee, et. al., "Association of County-Level Poverty and Inequities with Firearm-Related Mortality in US Youth," JAMA Pediatrics, November 22, 2021. <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2786452>
- <sup>17</sup> Blair T. Johnson, Anthony Sisti, et. al., "Community-Level Factors and Incidence of Gun Violence in the United States, 2014-2017," Social Science & Medicine, July 2021. <https://www.sciencedirect.com/science/article/abs/pii/S0277953621003014>
- <sup>18</sup> David A. Larsen, Sandra Lane, et. al., "Spatio-Temporal Patterns of Gun Violence in Syracuse, New York 2009-2015," PLOS ONE, March 20, 2017. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0173001>
- <sup>19</sup> Matthew Bennis, Matthew Ruther, et. al., "The Impact of Historical Racism on Modern Gun Violence: Redlining in the City of Louisville, KY," Injury, October 2020. <https://www.sciencedirect.com/science/article/abs/pii/S0020138320305490>
- <sup>20</sup> Julia P. Schleimer, Shani A. Buggs, et. al., "Neighborhood Racial and Economic Segregation and Disparities in Violence During the COVID-19 Pandemic," American Journal of Public Health, January 2022. <https://pubmed.ncbi.nlm.nih.gov/34882429/>
- <sup>21</sup> Keren Landman, "Guns Do More than Kill," Vox, June 6, 2022. <https://www.vox.com/science-and-health/23151542/gun-deaths-firearm-injuries-violence-health-grief-mental-physical>
- <sup>22</sup> Latinx people are not included in other racial groups throughout this impact statement, unless where otherwise noted.
- <sup>23</sup> "Healthy Montgomery Core Measures: Firearm Hospitalization," Healthy Montgomery, Montgomery County, Maryland, Accessed August 2, 2022. <https://www.montgomerycountymd.gov/healthymontgomery/chart.html>
- <sup>24</sup> "Gauging the Effectiveness of Gun Control Laws," News from Columbia Law, Columbia Law School, March 10, 2016. <https://www.law.columbia.edu/news/archive/gauging-effectiveness-gun-control-laws>
- <sup>25</sup> Elaine Bonner-Tompkins and Nataliza Carrizosa, OLO Report 2020-9: Local Policing Data and Best Practices, Office of Legislative Oversight, July 12, 2020. <https://montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/OLOREport2020-9.pdf>
- <sup>26</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council
- <sup>27</sup> Kegler, Simon, et. al.